

TAB C

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JACOB SMITH,	)	Case No. 2:20-cv-03755
	)	
Plaintiff,	)	
	)	Judge Edmund A. Sargus
v.	)	Magistrate Judge Kimberly A. Jolson
	)	
FIRSTENERGY CORP., <i>et al.</i> ,	)	
	)	
Defendants.	)	
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JAMES BULDAS,	)	Case No. 2:20-cv-03987
	)	
Plaintiff,	)	Judge Edmund A. Sargus
	)	Magistrate Judge Kimberly A. Jolson
v.	)	
	)	
FIRSTENERGY CORP., <i>et al.</i> ,	)	
	)	
Defendants.	)	
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BRIAN HUDOCK and CAMEO COUNTERTOPS, INC.,	)	Case No. 2:20-cv-03954
	)	
Plaintiffs,	)	Judge Edmund A. Sargus
	)	Magistrate Judge Kimberly A. Jolson
v.	)	
	)	
FIRSTENERGY CORP., <i>et al.</i> ,	)	
	)	
Defendants.	)	
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**DECLARATION OF JAMES L. WARD, JR. IN SUPPORT OF AWARD OF  
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND AWARD OF  
INCENTIVE PAYMENTS TO CLASS REPRESENTATIVES**

I, James L. Ward, Jr. declare as follows:

1. I am an attorney licensed to practice before the courts of South Carolina and North Carolina, and I am an attorney in the law firm McGowan, Hood & Felder, LLC (“MHF”). I have personal knowledge of the facts stated in this Declaration and, if called as a witness, I would testify competently to them. I make this Declaration in support of MHF’s request for attorneys’ fees and reimbursement of litigation expenses as set forth in Class Plaintiffs’ Unopposed Motion For Award of Attorneys’ Fees, Costs, and Incentive Awards To Class Representative Plaintiffs (the “Fee Motion”) (ECF No. 145).

2. I am counsel of record for Plaintiff Michael Emmons in a class action lawsuit pending in the Cuyahoga County Court of Common Pleas styled *Emmons v. FirstEnergy Corp., et al.*, Case No. CV-20 935557.

3. A brief description my firm, which includes a short summary of my experience and credentials, is attached as Exhibit 1 and incorporated herein by reference.

4. Throughout the course of this litigation, my firm kept files contemporaneously documenting all time spent, including tasks performed, and expenses incurred, and shared those reports on a regular basis with Dennis E. Murray, Jr. and Marvin A. Miller, who, along with me, are Class Counsel for the Settlement Class. *See* ECF No. 142 (preliminary approval order appointing Messrs. Murray, Miller, and Ward as Class Counsel). All the time and expenses reported by my firm advanced the tremendous class-wide result achieved in this case.

5. Such work included participating in initial factual and legal research and drafting the *Emmons* complaint; party and third-party discovery; preparation of motions and briefs on dispositive and procedural issues; development of expert testimony; coordination with counsel in the companion federal case for both negotiating and case prosecution; negotiation of the settlement; drafting the settlement agreement, distribution plan, notice plan, notices; and coordinating

settlement notice and administration.

6. The schedule attached as Exhibit 2, and incorporated herein, is a summary of the amount of time spent by my firm's partners, attorneys, and professional support staff who were involved in this litigation. It does not include any time devoted to preparing this Declaration or otherwise pertaining to the Fee Motion. The lodestar calculation is based on my firm's billing rates in effect at the time services were performed. Exhibit 2 was prepared from contemporaneous time records regularly prepared and maintained by my firm. Those records have been provided to Class Counsel, and I authorize them to be submitted for inspection by the Court if necessary. The hourly rates for my firm's partners, attorneys, and professional support staff included in Exhibit 2 were, at the time the work was performed, the usual and customary hourly rates charged for their services in similar complex litigation.

7. The total number of hours reasonably expended on this litigation by my firm from inception through July 31, 2022, which does not include time spent preparing this Declaration or preparing the Fee Motion, is 1452.75 hours. The total lodestar for my firm at historical rates is \$1,046,512.50. Expense items are billed separately and are not duplicated in my firm's lodestar.

8. The expenses my firm incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, invoices, receipts, check records, and other source materials and accurately reflect the expenses incurred. My firm's expense records are available for inspection by the Court if necessary.

9. My firm incurred a total of \$31,798.77 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. Of this amount, \$17,647.92 was for assessment payments for common litigation expenses or direct payments to experts or other vendors made at the request of Class Counsel, and an additional \$14,150.85 was for non-common litigation expenses incurred by my firm, such as travel, meals and lodging, copying, legal research,

telephone, etc. A summary of those expenses by category is attached as Exhibit 3.

I declare under penalty and perjury that the foregoing is true and correct. Executed this 10th day of October 2022, in Mount Pleasant, South Carolina.

s/ James L. Ward, Jr.  
James L. Ward, Jr.

**MCGOWAN, HOOD & FELDER, LLC**  
**EXHIBIT 1**

McGowan, Hood & Felder's Class Action, Mass Tort & Government Representation practice group provides comprehensive services to clients in large-scale civil actions in South Carolina and nationwide. This group is led by James L. Ward, Jr., a veteran litigator with 25 years of complex litigation experience, and includes Whitney B. Harrison. During the pendency of this action, the group also included Raneé Saunders, who recently left the firm. Throughout his career, Mr. Ward has played significant lead and liaison counsel roles in complex class action and multidistrict litigation involving pharmaceutical drugs, healthcare fraud, defective products, antitrust, and consumer protection. Mr. Ward has also focused a large portion of his practice on the representation of states and local governments as special counsel in complex litigation. In addition, Mr. Ward has extensive experience handling a variety of catastrophic personal injury and wrongful death cases.

Mr. Ward is a Past President of the South Carolina Association for Justice and a Past President of the James L. Petigru Inn of Court. He is a former member of the South Carolina Bar House of Delegates and former Chairman of the Tort and Insurance Practices Section. Mr. Ward has been included in *The Best Lawyers in America* for Plaintiffs' Mass Tort Litigation/Class Actions, Plaintiffs' Product Liability Litigation, and Plaintiffs' Personal Injury Litigation since 2016, including being named Charleston, SC "Lawyer of the Year" for Mass Tort Litigation/Class Actions in 2018 and 2021. Mr. Ward was also a recipient of *South Carolina Lawyers Weekly's* Leadership in Law Award and the Silver Compleat Lawyer Award given by the University of South Carolina School of Law Alumni Association.

Ms. Harrison is a seasoned litigator at McGowan Hood & Felder with extensive experience with complex litigation and novel issues. Ms. Harrison has tried several medical malpractice cases to verdict with the firm's partners, including obtaining a \$13.75 million verdict, and has been associated by outside counsel to assist with numerous complex motions and trials. Additionally, Ms. Harrison has served as lead appellate counsel on more than thirty appeals before the South Carolina Court of Appeals and Supreme Court of South Carolina, with issues ranging from constitutional challenges to corporate governance to novel issues.

Ms. Harrison currently serves on the boards of the South Carolina Bar Foundation, South Carolina Association for Justice, and South Carolina Appleseed Justice Center. Additionally, she serves on the South Carolina Bar Tort and Insurance Section and Practice and Procedure Committee, and she is Chair of the Supreme Court Historical Society. In January 2020, Ms. Harrison was awarded the Trial and Appellate Advocacy Award from the South Carolina Bar, which is given to a Bar member who has demonstrated substantial dedication to the furtherance of the art and techniques of trial and appellate advocacy and has exemplary advocacy skills. Ms. Harrison is the first woman to receive the award. Most recently, she was named to *The State's* 20 under 40 class for 2020, and she has been included as a Rising Star for *Super Lawyers* since 2016.

Ms. Saunders served as Mr. Ward's primary associate for almost five years. She clerked for the Honorable Kaye G. Hearn at the Supreme Court of South Carolina for almost five years, where she developed invaluable analytical and writing skills. She has been involved in numerous class

actions in state and federal court, and she participated in the representation of several states and local governments in litigation against opioid manufacturers and distributors.

**EXHIBIT 2**

**McGowan, Hood & Felder, LLC  
Summary by Timekeeper and Activity**

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<b><u>Attorney</u></b>	<b><u>Rate</u></b>	<b><u>Hours</u></b>	<b><u>Lodestar</u></b>
James Ward	\$800.00	681.5	\$545,200.00
Ranee Saunders	\$650.00	335.25	\$217,912.50
Whitney Harrison	\$650.00	436	\$283,400.00
			<b>\$1,046,512.50</b>



McGowan Hood Elder & Phillips, LLC  
Unbilled Costs by Job  
All Transactions

	Type	Date	Source Name	Memo	Account	Billing Status	Amount
First Energy (MHF)							
	Check	09/04/2020	United Parcel Service	First Energy	Client Cost Advanced	Unbilled	10.87
	Check	09/04/2020	Capital One	Harrison pro hac application	Client Cost Advanced	Unbilled	300.00
	Check	09/15/2020	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	124.82
	Check	10/06/2020	Capital One	Filing fee	Client Cost Advanced	Unbilled	37.35
	Check	11/09/2020	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	1,257.57
	Check	12/16/2020	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	2,256.74
	Check	12/16/2020	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	162.05
	Check	01/06/2021	Capital One	Ward pro hac renewal	Client Cost Advanced	Unbilled	150.00
	Check	01/14/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	2,154.15
	Check	01/14/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	464.30
	Check	02/10/2021	Capital One	Harrison pro hac renewal	Client Cost Advanced	Unbilled	300.00
	Check	07/13/2021	JAMS, Inc.	1345001755-Rep#1 - First Energy	Client Cost Advanced	Unbilled	3,125.00
	Check	07/19/2021	Strom Law Firm	Harrison mediation travel expenses	Client Cost Advanced	Unbilled	931.30
	Check	08/04/2021	United Parcel Service	First Energy	Client Cost Advanced	Unbilled	23.47
	Check	08/10/2021	Ward Law Offices, LLC	Ward mediation travel expenses	Client Cost Advanced	Unbilled	111.94
	Check	08/10/2021	Capital One	Saunders mediation travel expenses	Client Cost Advanced	Unbilled	431.40
	Check	08/10/2021	Capital One	Ward mediation travel expenses	Client Cost Advanced	Unbilled	694.70
	Check	08/12/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	685.69
	Check	08/12/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	118.41
	Check	08/12/2021	JAMS, Inc.	1345001755-Rep#1 - Mediation	Client Cost Advanced	Unbilled	2,806.03
	Check	09/14/2021	Capital One	Saunders mediation travel expenses	Client Cost Advanced	Unbilled	797.67
	Check	09/14/2021	Capital One	Ward mediation travel expenses	Client Cost Advanced	Unbilled	154.31
	Check	09/14/2021	Capital One	PACER	Client Cost Advanced	Unbilled	14.50
	Check	09/15/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	538.19
	Check	09/15/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	45.12
	Check	10/18/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	71.60
	Check	10/28/2021	Noah Dormady	Expert	Client Cost Advanced	Unbilled	1,000.00
	Check	12/14/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	308.57
	Check	12/14/2021	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	49.74
	Check	12/15/2021	Strom Law Firm	Harrison mediation travel expenses	Client Cost Advanced	Unbilled	955.30
	Check	01/06/2022	Capital One	Harrison mediation travel expenses	Client Cost Advanced	Unbilled	19.56
	Check	01/06/2022	Capital One	Ward pro hac renewal	Client Cost Advanced	Unbilled	150.00
	Check	01/20/2022	Thomson Reuters - West	Computerized research	Client Cost Advanced	Unbilled	31.68
	Check	02/08/2022	Capital One	Harrison pro hac renewal	Client Cost Advanced	Unbilled	300.00
	Check	06/06/2022	MHF Special OPs	2323 - First energy	Client Cost Advanced	Unbilled	25.00
	Check	07/12/2022	JAMS, Inc.	Refund Check	Client Cost Advanced	Unbilled	-2,650.15
	Check	08/24/2022	JAMS, Inc.	1345001871Rep#1 - Mediation	Client Cost Advanced	Unbilled	3,841.89
	Check	08/30/2022	Wayne Lilley	CaseDaxx eDiscovery Service	Client Cost Advanced	Unbilled	10,000.00
Total First Energy (MHF)							31,798.77
TOTAL							31,798.77